

**WILSON ELECTRONICS, INC.**  
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- The *NPRM* proposed a new “license-by-rule” regulatory framework for consumer signal boosters for the purpose of ensuring that consumers have access to well-designed boosters that do not harm wireless networks. Part 95 was to be amended to authorize consumers to operate properly-certified signal boosters on licensed spectrum being used for subscriber-based services. *Under the proposed Part 95 rules, consumers were not required to obtain carrier consent to operate signal boosters that had been certified as complying with stringent technical and operational requirements.*
- Wilson fully supported the proposed Part 95 license-by-rule framework. Nevertheless, the Commission’s staff urged Wilson to work with wireless carriers to try to develop technical standards under which consumer signal boosters could be operated under carrier licenses. Wilson acquiesced to the staff’s request on the condition that no licensee consent would be required for subscribers to use signal boosters that met industry-consensus standards. *Now that carrier-backed technical standards have been negotiated, Wilson would be denied the benefit of what it bargained for (at the staff’s request) if the Commission both adopted the technical standards and required carrier consent.*
- The whole purpose for either adopting stringent technical rules or establishing technical “safe harbors” would be to ensure that compliant signal boosters could be operated by consumers without adversely affecting network reliability, operation or management. Such technical safeguards serve to obviate the need for carrier consent and enable consumers to operate robust signal boosters to improve their wireless coverage as they deem necessary. Requiring consumers to obtain carrier consent prior to operating compliant signal boosters would defeat the purpose of the safeguards. *Consumers will derive no benefit if the Commission constructs a safe harbor, within which properly-designed consumer signal boosters could be operated, and then authorizes carriers to block consumer access to that safe harbor.*
- If the Commission finds that the operation of a compliant consumer signal booster cannot cause harm to wireless networks, there would be no reasonable basis on which a carrier could withhold its consent to a consumer’s use of a properly-certified, compliant signal booster. But a carrier’s refusal to consent would adversely affect the subscriber’s right to maximize the beneficial use of the wireless service and could have an anticompetitive effect. *If the Commission adopts a rule that requires consumers to obtain carrier consent to operate a compliant signal booster, the rule must explicitly provide that carrier consent to the use of compliant signal boosters cannot be unreasonably withheld.*
- The *NPRM* represented one of a set of Commission initiatives designed to promote deployment of mobile voice and broadband services in the United States and to facilitate the provision of mobile services in a manner that provides the greatest benefit to

consumers. *To allow carriers to block consumer access to compliant signal boosters would be inconsistent with the Commission's policy priorities.*

- A licensee is not entitled to the unfettered discretion to prohibit compliant signal boosters by virtue of having paid a “market price” for its licensed spectrum. Congress did not diminish the Commission’s authority to regulate, or supplant it as the ultimate steward of auctioned spectrum, when it authorized spectrum auctions. The Commission has repeatedly recognized that auctioned licenses do not convey any rights that differ from the rights that apply to licenses that were not purchased at a market price. *To cede authority to licensees of auctioned spectrum to deny consumers access to compliant signal boosters would be to subordinate the Commission’s public interest determination to the proprietary, commercial interests of licensees.*
- The Commission staff is considering a blanket licensing regime under which CMRS carriers not only must consent to the use of compliant signal boosters, but are permitted to conduct “conformance testing” to determine if the boosters are compatible with their networks. Consumers who purchased certified signal boosters should not have to wait to use the devices while they undergo interminable and redundant conformance testing by carriers. *To require carrier consent and to authorize conformance testing will place two unnecessary and potentially insurmountable obstacles in the path of achieving the Commission’s professed goal of broadening the use of signal boosters to enhance wireless coverage for consumers.*